



## Senate

General Assembly

**File No. 473**

February Session, 2018

Substitute Senate Bill No. 410

*Senate, April 12, 2018*

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist. and SEN. MCLACHLAN, M. of the 24th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CREATING EFFICIENCIES AND REDUCING CONFUSION IN STATUTES CONCERNING ELECTIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 9-404c of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2018*):

4 (a) Upon the receipt of any page of a petition proposing a candidacy  
5 for a state or district office, the registrar shall forthwith sign and give  
6 to the person submitting the petition a receipt, in duplicate, stating the  
7 number of pages filed and the date and time of filing. The person or  
8 the candidate shall forthwith send one copy of the receipt to the  
9 Secretary of the State. The registrar of voters shall forthwith (1)  
10 indicate on each such petition page the date and time of filing, [shall  
11 forthwith] (2) certify on each such page the number of signers of the  
12 page who were enrolled on the last-completed enrollment list of such

13 party in the municipality or political subdivision, as the case may be,  
14 [and shall forthwith] or who enrolled in such party between the  
15 completion of such list and the certification by such registrar, and (3)  
16 file such certified page in person or by mail, as described in section 9-  
17 140b, with the Secretary [within] not later than seven days after receipt  
18 of the page. In checking the signatures on primary petition pages, the  
19 registrar shall reject any name [which] that does not appear on the last-  
20 completed enrollment list of such party in the municipality or political  
21 subdivision, as the case may be. Such rejection shall be indicated by  
22 placing a mark in a manner prescribed by the Secretary before the  
23 name rejected. The registrar may place a check mark before each name  
24 appearing on the enrollment list to indicate approval but shall place no  
25 other mark on the page except as provided in this chapter. The  
26 registrar shall not reject any name for which the street address on the  
27 petition is different from the street address on the enrollment list, if  
28 [(1)] (A) such person is eligible to vote for the candidate or candidates  
29 named in the petition in the municipality of the registrar, and [(2)] (B)  
30 the person's date of birth, as shown on the petition page, is the same as  
31 the date of birth on the person's registration record.

32 Sec. 2. Section 9-412 of the general statutes is repealed and the  
33 following is substituted in lieu thereof (*Effective July 1, 2018*):

34 Upon the receipt of any page of a petition proposing a candidacy for  
35 a municipal office or for member of a town committee, the registrar  
36 shall forthwith (1) sign and give to the person submitting the petition a  
37 receipt in duplicate, stating the number of pages filed and the date and  
38 time of filing, [and shall forthwith] (2) certify on each such page the  
39 number of signers on the page who were enrolled on the last-  
40 completed enrollment list of such party in the municipality or political  
41 subdivision, as the case may be, [and shall forthwith] or who enrolled  
42 in such party between the completion of such list and the certification  
43 by such registrar, and (3) file such certified page in person or by mail,  
44 as described in section 9-140b, with the clerk of the municipality,  
45 together with the registrar's certificate as to the whole number of  
46 names on the last-completed enrollment list of such party in such

47 municipality or political subdivision, as the case may be, not later than  
48 seven days after receipt of the page. If such page involves a municipal  
49 office to be voted upon at a state election, such registrar shall also file a  
50 certificate, on a form prescribed by the Secretary of the State, that  
51 includes the name and full street address of each candidate and the  
52 title and district of such office not later than seven days after receipt of  
53 such page. In checking signatures on primary petition pages, the  
54 registrar shall reject any name [if such name] that does not appear on  
55 the last-completed enrollment list in the municipality or political  
56 subdivision, as the case may be. Such rejection shall be indicated by  
57 placing a mark in a manner prescribed by the Secretary before the  
58 name so rejected. The registrar may place a check mark before each  
59 name appearing on the enrollment list to indicate approval but shall  
60 place no other mark on the page except as provided in this chapter.  
61 The registrar shall not reject any name for which the street address on  
62 the petition is different from the street address on the enrollment list, if  
63 [(1)] (A) such person is eligible to vote for the candidate or candidates  
64 named in the petition, and [(2)] (B) the person's date of birth, as shown  
65 on the petition page, is the same as the date of birth on the person's  
66 registration record. The registrar shall reject any page of a petition  
67 [which] that does not contain the certifications provided in section 9-  
68 410, or [which] that the registrar determines to have been circulated in  
69 violation of any other provision of section 9-410. Petitions filed with  
70 the municipal clerk shall be preserved for a period of three years and  
71 then may be destroyed.

72 Sec. 3. Subsections (b) and (c) of section 9-242 of the general statutes  
73 are repealed and the following is substituted in lieu thereof (*Effective*  
74 *July 1, 2018*):

75 (b) [It] Any such voting tabulator shall be so constructed as to  
76 prevent an elector from voting for more than one person for the same  
77 office, except when the elector is lawfully entitled to vote for more than  
78 one person for that office, and [it] such voting tabulator shall afford the  
79 elector an opportunity to vote for only as many persons for that office  
80 as the elector is by law entitled to vote for, at the same time preventing

81 the elector from voting for the same person twice. [It] Such voting  
82 tabulator shall be so constructed that all votes cast will be registered or  
83 recorded by the tabulator. In the event that a candidate is cross  
84 endorsed and an elector casts more than one vote for such candidate,  
85 such vote shall be deemed an unassigned vote and shall be attributed  
86 by the head moderator to the endorsing parties as provided for in this  
87 subsection. The head moderator shall (1) determine the percentage of  
88 all attributable votes the candidate received that are attributable to  
89 each endorsing party, (2) determine the number of ballots upon which  
90 an elector voted for the candidate more than once, and (3) apply the  
91 percentage determined under subdivision (1) of this subsection for an  
92 endorsing party to the total determined under subdivision (2) of this  
93 subsection. The resulting number from the calculation under  
94 subdivision (3) of this subsection shall be the number of votes the head  
95 moderator attributes to the endorsing party associated with the  
96 percentage used in the calculation under subdivision (3) of this  
97 subsection. The head moderator shall repeat the calculation in  
98 subdivision (3) of this subsection for each endorsing party. For any  
99 result under subdivision (3) of this subsection that is a fractional  
100 number, the head moderator shall round such result to the nearest  
101 whole number, provided a half number shall be rounded to the next  
102 highest whole number, and provided further that each such endorsing  
103 party with a percentage greater than zero under subdivision (1) of this  
104 subsection shall [receive] be attributed at least one such vote, with the  
105 remaining parties receiving a proportional reduction in votes, if  
106 necessary. If any vote remains that [can not] cannot be evenly  
107 attributed to such parties, such vote shall be attributed to the  
108 endorsing party with the most votes.

109 (c) Notwithstanding the provisions of subsection (b) of this section,  
110 the Secretary of the State may approve a voting tabulator which  
111 requires the elector in the polls to place the elector's ballot into the  
112 recording device and which meets the voluntary performance and test  
113 standards for voting systems adopted by (1) the Federal Election  
114 Commission on January 25, 1990, as amended from time to time, or (2)  
115 the Election Assistance Commission pursuant to the Help America

116 Vote Act of 2002, P.L. 107-252, 42 USC 15481-85, as amended from time  
117 to time, whichever standards are most current at the time of the  
118 Secretary of the State's approval, and regulations which the Secretary  
119 of the State may adopt in accordance with the provisions of chapter 54,  
120 provided the voting tabulator shall (A) warn the elector of overvotes,  
121 (B) not record overvotes, and (C) not record more than one vote of an  
122 elector for the same person for an office. In the event that a candidate is  
123 cross endorsed and an elector casts more than one vote for such  
124 candidate, such vote shall be deemed an unassigned vote and shall be  
125 attributed by the head moderator to the endorsing parties as provided  
126 for in this subsection. The head moderator shall (i) determine the  
127 percentage of all attributable votes the candidate received that are  
128 attributable to each endorsing party, (ii) determine the number of  
129 ballots upon which an elector voted for the candidate more than once,  
130 and (iii) apply the percentage determined under subparagraph (C)(i) of  
131 this subsection for an endorsing party to the total determined under  
132 subparagraph (C)(ii) of this subsection. The resulting number from the  
133 calculation under subparagraph (C)(iii) of this subsection shall be the  
134 number of votes the head moderator attributes to the endorsing party  
135 associated with the percentage used in the calculation under  
136 subparagraph (C)(iii) of this subsection. The head moderator shall  
137 repeat the calculation in subparagraph (C)(iii) of this subsection for  
138 each endorsing party. For any result under subparagraph (C)(iii) of  
139 this subsection that is a fractional number, the head moderator shall  
140 round such result to the nearest whole number, provided a half  
141 number shall be rounded to the next highest whole number, and  
142 provided further that each such endorsing party with a percentage  
143 greater than zero under subparagraph (C)(i) of this subsection shall  
144 [receive] be attributed at least one such vote, with the remaining  
145 parties receiving a proportional reduction in votes, if necessary. If any  
146 vote remains that [can not] cannot be evenly attributed to such parties,  
147 such vote shall be attributed to the endorsing party with the most  
148 votes.

149 Sec. 4. Section 9-4 of the general statutes is repealed and the  
150 following is substituted in lieu thereof (*Effective January 1, 2019*):

151 The Secretary of the State, in addition to other duties imposed by  
152 law, shall, as [such commissioner] the Commissioner of Elections of  
153 the state, (1) advise local election officials in connection with proper  
154 methods of conducting elections and referenda as defined in  
155 subsection (n) of section 9-1, and, upon request of a municipal official,  
156 matters arising under chapter 99; (2) prepare regulations and  
157 instructions for the conduct of elections, as designated by law, and, on  
158 and after January 1, 2019, publish and permanently archive on the  
159 Internet web site of the office of the Secretary of the State any  
160 declaratory ruling or opinion of the Secretary issued pursuant to  
161 section 9-3 on or after said date; (3) provide local election officials with  
162 a sufficient number of copies of election laws pamphlets and materials  
163 necessary to the conduct of elections; (4) distribute all materials  
164 concerning proposed laws or amendments required by law to be  
165 submitted to the electors; (5) recommend to local election officials the  
166 form of registration cards and blanks; (6) determine, in the manner  
167 provided by law, the forms for the preparation of voting tabulators, for  
168 the recording of the vote and the conduct of the election and  
169 certification of election returns; (7) prepare the ballot title or statement  
170 to be placed on the ballot for any proposed law or amendment to the  
171 Constitution to be submitted to the electors of the state; (8) certify to  
172 the several boards the form of official ballots for state and municipal  
173 offices; (9) provide the form and manner of filing notification of  
174 vacancies, nomination and subsequent appointment to fill such  
175 vacancies; (10) prescribe, provide and distribute absentee voting forms  
176 for use by the municipal clerks; (11) examine and approve nominating  
177 petitions filed under section 9-453o; and (12) distribute corrupt  
178 practices forms and provide instructions for completing and filing the  
179 same.

180 Sec. 5. Subsection (b) of section 9-320f of the general statutes is  
181 repealed and the following is substituted in lieu thereof (*Effective July*  
182 *1, 2018*):

183 (b) The voting districts subject to an audit described in subsection  
184 (a) of this section shall be selected in a random drawing by the

185 Secretary of the State. [and such] Such selection process shall be open  
 186 to the public and take place not later than seventy-two hours after any  
 187 election or primary. The offices subject to an audit pursuant to this  
 188 section shall be, (1) in the case of an election where the office of  
 189 presidential elector is on the ballot, all offices required to be audited by  
 190 federal law, plus one additional office selected in a random drawing  
 191 by the Secretary of the State, but in no case less than three offices, (2) in  
 192 the case of an election where the office of Governor is on the ballot, all  
 193 offices required to be audited by federal law, plus one additional office  
 194 selected in a random drawing by the Secretary of the State, but in no  
 195 case less than three offices, (3) in the case of a municipal election, three  
 196 offices or twenty per cent of the number of offices on the ballot,  
 197 whichever is greater, selected at random by the municipal clerk, and  
 198 (4) in the case of a primary election, all offices required to be audited  
 199 by federal law, plus one additional office, if any, but in no event less  
 200 than twenty per cent of the offices on the ballot, selected in a random  
 201 drawing by the municipal clerk.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2018</i>	9-404c(a)
Sec. 2	<i>July 1, 2018</i>	9-412
Sec. 3	<i>July 1, 2018</i>	9-242(b) and (c)
Sec. 4	<i>January 1, 2019</i>	9-4
Sec. 5	<i>July 1, 2018</i>	9-320f(b)

**Statement of Legislative Commissioners:**

In Section 2, in the penultimate sentence, "which" was changed to "[which] that" for consistency.

**GAE**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which requires the Secretary of the State to publish and permanently archive certain declaratory rulings or opinions issued on or after January 1, 2019, and makes various other changes concerning elections laws, has no fiscal impact.

***The Out Years******State Impact:*** None***Municipal Impact:*** None



**OLR Bill Analysis****sSB 410*****AN ACT CREATING EFFICIENCIES AND REDUCING CONFUSION  
IN STATUTES CONCERNING ELECTIONS.*****SUMMARY**

This bill requires the secretary of the state to publish and permanently archive her declaratory rulings or opinions issued on or after January 1, 2019, that relate to administration of elections and primaries.

It also expands the types of signatures that registrars of voters certify on petitions for state and district office candidates to include any signers who enrolled in the party after the last enrollment list was completed (e.g., those who registered as voters when they signed the petition). The change applies to petitions for state, district, municipal, and town committee member elections. By law, a registrar must already certify the number of signers who were enrolled on the last enrollment form.

Existing law establishes a process for a head moderator to attribute votes to endorsing parties when a voter casts more than one vote for a cross-endorsed candidate. The bill requires such a vote to be deemed an unassigned vote and otherwise retains the process for attributing it under current law. The bill does not define “unassigned vote.”

By law, registrars of voters must audit election results between the 15th day after a state or federal election or primary and two business days before the canvass of votes. The secretary of the state must select districts subject to the audit through a random drawing. The bill requires her to select the districts within 72 hours of any election or primary.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2018, except for the requirement to publish and archive declaratory rulings and opinions, which is effective January 1, 2019.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 17      Nay 0      (03/23/2018)